

Assembly Bill No. 744

CHAPTER 239

An act to add Section 1308.8 to the Labor Code, relating to employees.

[Approved by Governor August 3, 1998. Filed with
Secretary of State August 4, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

AB 744, Washington. Employment of minors: entertainment industry.

Existing law does not require that a medical certification be obtained for employment of an infant under the age of one month on a motion picture set.

This bill would preclude employment on a motion picture set of an infant under the age of one month unless a prescribed certification is made by a physician and surgeon who is board-certified in pediatrics.

The bill would make a violation of that provision a misdemeanor punishable by a fine of \$2,500 to \$5,000, by imprisonment in the county jail not exceeding 60 days, or by both.

Because the bill would add a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 1308.8 is added to the Labor Code, to read:

1308.8. (a) No infant under the age of one month may be employed on any motion picture set or location unless a licensed physician and surgeon who is board-certified in pediatrics provides written certification that the infant is at least 15 days old and, in his or her medical opinion, the infant was carried to full term, was of normal birth weight, is physically capable of handling the stress of filmmaking, and the infant's lungs, eyes, heart, and immune system are sufficiently developed to withstand the potential risks.

(b) Any parent, guardian, or employer of a minor, and any officer or agent of an employer of a minor, who directly or indirectly violates subdivision (a), or who causes or suffers a violation of subdivision (a),

with respect to that minor, is guilty of a misdemeanor punishable by a fine of not less than two thousand five hundred dollars (\$2,500) nor more than five thousand dollars (\$5,000), by imprisonment in the county jail for not more than 60 days, or by both that fine and imprisonment.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

